

Honorable Judge Marc Barreca  
Chapter 13  
Hearing Location: Marysville  
Hearing Date: January 9, 2019  
Hearing Time: 9:00 a.m.

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON

In re:

Fernando Anatolio Soberanis  
Carlene Rodrigues Mascarenhas,  
  
Debtors.

**CASE NO.: 18-14240-MLB**

**CHAPTER 13**

**OBJECTION TO CONFIRMATION  
BY SETERUS, INC. AS THE  
AUTHORIZED SUBSERVICER FOR  
FEDERAL NATIONAL MORTGAGE  
ASSOCIATION ("FANNIE MAE")**

Seterus, Inc. as the authorized servicer for Federal National Mortgage Association ("Fannie Mae") ("Creditor"), objects to confirmation of the proposed chapter 13 plan (The "Plan") of Fernando Anatolio Soberanis and Carlene Rodrigues Mascarenhas ("Debtors" herein). The basis for this objection is that the Plan does not comply with the provisions of Title 11, chapter 13 of the United States Bankruptcy Code and thus should not be confirmed by the Court.

**I. BACKGROUND**

On or about December 21, 2007, Fernando A. Soberanis and Carlene R. Mascarenhas executed and delivered a note in favor of First Horizon Home Loans in the original principal amount of \$417,000.00. This Note was secured by a Deed of Trust ("Deed") encumbering real property commonly described as 19199 Rainier View Road Southeast, Monroe, WA 98272 ("Property"). Creditor is the holder of the note or services the note for the holder.

On October 31, 2018, Debtors filed for protection under Title 11, chapter 13 of the United States Code under cause number 18-14240-MLB in the above listed court.

1 The outstanding balance due on the Note as of filing is approximately \$374,414.29. As  
2 of the same date the loan is contractually due for the November 1, 2018 payment.

3 The pre-petition arrearages, including escrow advances and shortage, is approximately  
4 \$3,304.41 as will be detailed in Creditor's filed proof of claim. The monthly payment due as of  
5 November 1, 2018 was \$2,251.84.

6 **II. ARGUMENT AND AUTHORITY**

7 Under 11 U.S.C. § 1325 (a)(1) and 1322 (b)(5) a plan must provide for the cure of an  
8 existing default within a reasonable time and require the maintenance of payments while the case  
9 is pending on a secured claim on which the last payment is due after the date on which the final  
10 payment under the plan is due. In the case at bar, the proposed plan fails to treat or pay the  
11 accrued arrearages.

12 **III. CONCLUSION**

13 For the reasons listed above, the chapter 13 plan as proposed fails to comply with the  
14 requirements of United States Code Title 11. Therefore, Creditor respectfully requests the Court  
15 deny confirmation of the proposed Chapter 13 plan. If the court sustains this objection and  
16 denies confirmation, Creditor respectfully requests that the Court set a deadline by which an  
17 amended plan is to be filed. Creditor further requests that if the Debtor does not file the  
18 Amended Plan by the date imposed by the Court, that the Trustee be permitted to submit an order  
19 dismissing the bankruptcy case for failure to comply with the order of the court.

20 Dated: November 21, 2018

McCarthy & Holthus, LLP

21 /s/ Lance E. Olsen

22 Lance E. Olsen, Esq. WSBA# 25130

23 Michael S. Scott WSBA# 28501

24 Attorneys for Movant  
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**CERTIFICATE OF SERVICE**

On 11/21/2018, I served the foregoing **OBJECTION TO CONFIRMATION** on the following individuals by electronic means through the Court's ECF program:

**TRUSTEE**

Jason Wilson-Aguilar  
courtmail@seattlech13.com

**DEBTORS' COUNSEL**

Christina L Henry  
mainline@hdm-legal.com

**I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

/s/ Salvador Arroyo  
\_\_\_\_\_  
Salvador Arroyo

On 11/21/2018, I served the foregoing **OBJECTION TO CONFIRMATION** on the following individuals by depositing true copies thereof in the United States mail, enclosed in a sealed envelope, with postage paid, addressed as follows:

**DEBTORS**

Fernando Anatolio Soberanis, 19199 Rainier View Rd SE, Monroe, WA 98272

Carlene Rodrigues Mascarenhas, 19199 Rainier View Rd SE, Monroe, WA 98272

**US TRUSTEE**

700 Stewart St Ste 5103, Seattle, WA 98101

**I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.**

/s/ wai tang  
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wai tang